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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/616,260	07/08/2003	Norio Matsuda	B-5149 621068-7	9862

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EXAMINER

RENNER, CRAIG A

ART UNIT	PAPER NUMBER
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2627

DATE MAILED: 06/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/616,260	Applicant(s) MATSUDA ET AL.	
	Examiner Craig A. Renner	Art Unit 2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 4-6 is/are rejected.
- 7) ☒ Claim(s) 3 and 7 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>23 December 2003</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Drawings

2. The drawings are objected to because of the following informalities:
 - a. The drawings fail to comply with 37 CFR 1.84(p)(5) because they do not include one or more reference signs mentioned in the description. Note, for instance, “**XG21**” (disclosed as a “disc member” in lines 20, 21, 23 and 30 on page 20, lines 2 and 14 on page 21, line 11 on page 23, lines 12-13 on page 25, and lines 17-18 and 27-28 on page 26, for instance); “**XG22**” (disclosed as a “cylindrical member” in lines 20-21, 25 and 30-31 on page 20, lines 10 and 18 on page 21, and lines 13-14 on page 25, for instance); “**XG23**” (disclosed as a “ball screw” in lines 21 and 26 on page 20, line 15 on page 21, and line 9 on page 23, for instance); and “**XG211**” (disclosed as a “hole” in line 22 on page 20, and line 13 on page 21, for instance).
 - b. The drawings are also objected to as failing to comply with 37 CFR 1.84(p)(5) because they include one or more reference signs not mentioned in the description. Note, for instance, “**PU**” (shown in FIG. 12C, for instance).
 - c. In FIG. 3, reference sign “**XC25**” should be changed to **--XC24--** in order to be consistent with the remainder of the disclosure.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) and/or an amendment to the specification in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

3. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.
4. The disclosure is objected to because of the following informalities:
 - a. In line 17 on page 16, "membe4r" should be spelled --member--.
 - b. In line 32 on page 17, "disconnected edges X2" should be changed to --disconnected edges Z2-- in order to be consistent with the remainder of the disclosure.
 - c. In line 25 on page 19, "disc member SG11" should be changed to --disc member XG11-- in order to be consistent with the remainder of the disclosure.
 - d. In line 20 on page 23, "grips XG131 and XG132" should be changed to

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--grips XG131 and XG231-- in order to be consistent with the remainder of the disclosure.

e. In lines 7-8 of claim 4, "the fist and second lid members" should be changed to --the first and second lid members-- in order to more clearly refer back to those set forth in line 3 of independent claim 1.

f. In line 7 of claim 5, "fittale" should be spelled --fittable--.

Appropriate correction is required.

5. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 2 and 5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a. Claim 2 is indefinite because it depends upon itself (i.e., “according to claim 2”) in line 1 thereof. As a result, many elements in claim 2 are indefinite because they lack clear and/or positive antecedent basis including “The container” (line 1), “the fixing members” (lines 1-2), and “the disc-like recording mediums” (lines 2 and 3).

b. In lines 4-5 of claim 5, “the first and second lid members being formed approximately into cylindrical shapes” is indefinite as it is misdescriptive of the disclosure, which teaches/shows that it is the first and second fixing members XG1 and XG2 that are formed approximately into cylindrical shapes (emphasis added).

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claim 2 is rejected under 35 U.S.C. 102(b) as being anticipated by Kikuchi et al. (JP 2000-335672).

Kikuchi teaches a container (1) wherein fixing members (31 and 32) are configured to fix disc-like recording mediums (each 201) such that planes of the disc-like recording mediums come into contact with each other (as shown in FIG. 3, for instance).

10. Claims 1, 4 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Kimura et al. (US 5,099,466).

Kimura teaches a container (5) comprising a first lid member (6) and a second lid member (7) which are configured to be separable one from the other (lines 29-30 in column 4, for instance); and fixing members (includes each 11, for instance) secured on the first and second lid members respectively (as shown in FIG. 5, for instance) and configured to fix a plurality of disc-like recording mediums (each 9) overlapped coaxially one on another (as shown in FIG. 2, for instance), each of the first and second lid members having an opening (adjacent 6b and 7d, for instance) formed therethrough to expose at least part of outer circumferential edges of the plurality of disc-like recording mediums to an outside of the first and second lid members (as shown in FIGS. 22-26, for instance) [as per claim 1]; wherein the first and second lid members are configured to enable the first lid member to open and close to the second lid member (as shown in FIG. 2, for instance) in a state where a recess (defined by shell of 6) formed on one (6) of the first and second lid members is fitted with a protrusion (16, for instance) formed on the other (7) of the first and second lid members and to enable the first and second lid members to be separable from each other by releasing the fitted state between the first and second lid members (as shown in FIG. 2, for instance) [as per claim 4]; and wherein a releasing member (19, for instance) for releasing the fitted state between the recess and the protrusion is arranged on at least one of the first and second lid members [as per claim 6].

Claim Rejections/Considerations - 35 USC § 103

11. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Pertinent Prior Art

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. This includes Shimada et al. (US 6,600,718) and Kagawa et al. (JP 2000-289792), which each individually teaches a container with upper and lower disc-fixing members.

Allowable Subject Matter


13. Claims 3 and 7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claim 5 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Craig A. Renner whose telephone number is (571) 272-7580. The examiner can normally be reached on Tuesday-Friday 9:00 AM - 7:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa T. Nguyen can be reached on (571) 272-7579. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Craig A. Renner
Primary Examiner
Art Unit 2627

CAR